

Application No. 10/713,245

b. Remarks

Claims 4-10, 13, and 15-26, as amended, are pending in the application. Claims 4-10, 13, and 15-26 stand rejected. The claims have been amended. Claim 1-3, 11, 12, and 14 were previously canceled.

1. Rejection under §112, first paragraph

Claims 9 and 10 stand rejected under 35 USC §112, first paragraph. Claim 9 has been rewritten to include some of the limitations from Claim 7 and clarify that the bracket shaft is “two-walled, generally triangular shaped”. Amended Claim 9 is independent and does not refer back to the three bracket walls of Claim 7. Claim 10 depends on Claim 9.

No new matter has been introduced by this amendment. Antecedent basis is found on page 8 of the specification and in FIGS. 3 and 4. It is believed that the specification as amended describes the subject matter in such a way as to enable one skilled in the art to make and/or use the invention.

In regard to Claims 9 and 10, Aberle, Dysarz, and Ege do not disclose a two-sided, generally triangular bracket shaft with the ends of the two sides being connected and forming an apex. In Ege’s 1885 child’s carriage top support, FIG. 2 shows a hole in the hub a3 of the plate A. FIG. 2 is a longitudinal section of FIG. 1. Ege’s thimble shank a2 extends through this hole, and wheel “h” screws on the end of the shaft a2 (see lines 37-42). Since there is a hole there, the ends of the “sides” are not connected, and no triangular shaped bracket shaft is formed. Ege does not show or describe an apex. However, though it may be redundant, the word “pointed” has been inserted in Claim 9 before “apex” for clarity, as has the phrase “two-walled, generally triangular shaped”, per Applicant’s FIG. 4. Applicant disagrees with the 35 USC §103(a) rejections of Claims 4-10, 13, and 15-26, and respectfully maintains the arguments set forth in the January 20, 2006 Response.

Also, the applied references do not disclose each side being attached at an obtuse angle to a bracket shaft joist wall. Ege does not even label 4, 5, or 7, which item numbers (1-7) have been added by the Examiner, nor does Ege describe obtuse angles between items 4 and 2, or 5 and 3. Viewing Ege's FIGS. 1 and 2, these angles could in fact be right angles. Allowance of Claims 9 and 10, as well as dependent Claim 20, is requested.

2. Rejection under §112, second paragraph

Claims 4, 7, 23, and 25 stand rejected under §112, second paragraph. Claims 4, 7, 23, and 25 have been amended.

Specifically, in amended Claim 4:

- the cap plug phrase (ii) has been deleted. Claim 20, which depended on Claim 4, has been amended accordingly.

In amended Claim 7:

- "a" has been substituted for "the" in front of "first bracket wall" and "third bracket wall" in the 14th and 15th lines of the claim; and
- "shaft joist" has been deleted from line 14.

In amended Claim 23:

- "a" has been substituted for "the" in front of "hook bolt shaft extending transversely through the pole" (see last line of page 9 of the specification).

In amended Claim 25:

- "the cap step down plug" has been inserted. Antecedent basis is found on page 13 of the specification.

It is believed that the §112, second paragraph rejections set forth in the Office action on pages 3-4 have been overcome.

For the record, Applicant respectfully submits that the April 5, 2006 amendment should not have been made final, since it presented new grounds of rejection. Applicant requests that these amendments be made of record in the case and considered by the United States Patent and Trademark Office Examiner, and that the claims as amended be allowed.

Sincerely,

The Harleston Law Firm, LLC

By: Kathleen M. Harleston

Kathleen M. Harleston
Attorney for Applicant
Registration No. 33,398

Date: June 12, 2006

909 Tall Pine Road
Mt. Pleasant, SC 29464
843-971-9453 Phone
843-971-9505 Fax
kathleen@harlestonlawfirm.com

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